

REMARKS/ARGUMENTS

Favorable reconsideration of this application is requested.

Claims 1-20 are present in this application. Claims 1-20 are rejected under 35 U.S.C. § 103(a) over U.S. 2005/0027984 (Saito et al.) in view of U.S. 2003/0197488 (Hulvey).

Claims 1 and 10 are amended to recite the parameter modification unit being configured to change parameters of the wireless network before the RTT measuring unit measures the round trip time, and claim 19 is amended to recite changing parameters of the wireless network before measuring the round trip time. Support for the amended claims is believed to be found, for example, in the non-limiting disclosure on page 14, line 21 to page 16, line 31. No new matter is believed to be added.

The claims of the present application are directed to a transmitter, receiver and recording medium storing a communication control program. In the transmitter, a communication permission determination unit permits transmission of contents based upon a result of the round trip time (RTT) measurement. The parameter modification unit changes parameters of the wireless network, to improve the accuracy of the round trip time. It is possible with the claimed transmitter to change the parameters of the wireless network before the RTT is measured. Whichever communication mode is selected, it is possible to accurately measure the round trip time by properly changing the parameters of the wireless network before RTT measurement.

Another feature of the claimed transmitter is that transmission of contents is possible where the copyright should be protected when the RTT is within a predetermined time. In order to properly protect the copyrighted contents, inevitably the RTT must be measured accurately. According to the claimed transmitter, accurate measurement of the RTT is assured by changing the parameters of the wireless network in advance.

Turning to the prior art rejection, neither Saito et al. nor Hulvey discloses or suggests that parameters are changed before the RTT is measured. As recognized in the Office Action on pages 3, 5 and 6, Saito et al. does not disclose or suggest the parameter modification unit of claims 1 and 10 or a computer readable medium storing a program that causes a computer to perform a method including changing parameters of a wireless network. Hulvey is relied upon for the parameter modification unit and changing parameters of a wireless network.

Hulvey describes in paragraph 0053 a “SNIFF interval that is chosen based on desired latency and average power consumption” and further states that “since the slave transmits much less often in idle mode than in busy mode, its power consumption is greatly reduced.” In Hulvey, parameters are changed from the busy mode to the idle mode in order to reduce power consumption. However, Hulvey does not describe or make any suggestion that parameters are changed before the RTT measurement. The present invention performs the RTT measurement in order to correctly determine whether transmission of the contents should be permitted.

As described above, Hulvey (as well as each of the other cited references) does not disclose or suggest a transmitter or receiver having the parameter modification unit of the claims 1 and 10, respectively. Even if Hulvey could be combined with Saito et al., it is not possible to obtain, nor would it be obvious to obtain, the transmitter and receiver of claims 1 and 10, respectively.

Claim 19 recites a program, when executed, causes a computer to perform a method including changing parameters of the wireless network, before measuring the round trip time, the parameters improving accuracy of the RTT when the RTT measurement unit measures the RTT. There is no disclosure in Saito et al. or Hulvey of a method including changing parameters as recited in claim 19.

It is respectfully submitted that the present application is in condition for allowance,
and a favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Eckhard H. Kuesters
Attorney of Record
Registration No. 28,870

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)

Carl E. Schlier
Registration No. 34,426